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Statement

by H.E. Ambassador Thomas Mayr-Harting

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**General Assembly Plenary Meeting
on the Responsibility to Protect**

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Mr. President,

First of all I would like to thank the Secretary-General for the presentation of his report on the implementation of the Responsibility to Protect (RtoP) to the General Assembly on Tuesday. I would like to recall the Secretary General's words that this debate is first and foremost about the character of the United Nations and the future of humankind.

Let me also thank the Special Adviser of the Secretary-General, Prof. Edward Luck for all his work in this context.

We fully align ourselves with the statement delivered by Sweden on behalf of the EU.

The main aim of the RtoP is to protect civilian populations from genocide and other mass atrocities, based on the clear understanding that the sovereignty of states implies important responsibilities. Austria was a strong advocate for the inclusion of the RtoP into the World Summit Outcome by world leaders in 2005. Based on a broad consensus, it sent out an important and universal message on the need to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from incitement to such crimes. This was an unprecedented step towards ensuring that atrocities of the past are not repeated.

Let me underline that the primary responsibility for the implementation of the RtoP rests with each and every individual state. The international

community's role in assisting states to live up to their responsibility is of a supplementary nature. The need to take appropriate collective measures in full accordance with the UN Charter arises only in cases of manifest failure of a state to protect its population from the perpetration of the core international crimes.

Austria welcomes the Secretary-General's report. It provides a clear framework for the implementation of the RtoP as defined in the Outcome Document and an excellent basis for further discussion. The report makes clear that the three pillars of the report, namely the protection responsibilities of the state, international assistance and capacity building and timely and decisive response, are all based on existing international law and in particular on the Charter of the United Nations. They are of equal importance and at the same time there is no automatism and no necessary sequencing between one and the other.

Today, I would like to focus on the key task to ensure that states and the international community live up to their obligations under the RtoP. When it comes to turning the concept of the RtoP into practice, Austria believes that particular attention must be given to preventing situations from escalating, through early warning and capacity building.

We welcome the reference in the Secretary-General's report to the role of the rule of law, which constitutes a long-standing focus of Austria's work in the United Nations. I quote from the report [para. 47, pillar 2]: *"The rule of law is fundamental to preventing the perpetration of crimes relating to the responsibility to protect. The United Nations system, including through the*

engagement of donor countries, should increase the rule of law assistance it offers to Member States. The goals should be to ensure equal access to justice and to improve judicial, prosecutorial, penal and law enforcement services for all. Such steps would make it more likely that disputes within society could be resolved through legal, rather than violent, means"; end of quote.

The rule of law is of specific importance with regard to the stabilisation of post-conflict societies in order to prevent the re-emergence of conflicts and to build a sustainable peace. Furthermore it is an essential element in the fight against impunity and to re-establish trust of the population in their institutions. Thus, it is important to address the RtoP from a rule of law perspective as a cross-cutting issue for each of the three pillars.

It is crucial that the UN, through the Rule of Law Coordination and Resource Group, as well as the Rule of Law Unit, will further intensify their efforts to strengthen coordination and cooperation among the numerous UN rule of law actors (such as OHCHR, UNODC or UNDP).

Mr. President,

From 14 – 16 June 2009, Austria, jointly with the International Peace Institute, organized a seminar in Vienna on "The role of the Security Council and the Responsibility to Protect: Policy, Process and Practice". Experts and practitioners from various regions and organisations explored the role and the contribution of the UN Security Council in preventing the four

crimes covered by the concept of RtoP and in improving the situation of populations affected by armed conflict.

At the same time we fully agree that the General Assembly, as the forum for searching common ground, should continue to have a key role in the ongoing process of operationalizing the concept of RtoP. Regarding next steps, Austria fully endorses the proposal of the EU, that the Secretary General should continue to keep the General Assembly informed about the implementation of RtoP.

We must ensure, through continuous commitment, that we all take our responsibilities seriously. The key challenge is that States and the international community live up to their obligations under RtoP. The Secretary-General's report sets out the tools available to the international community to assist states in this regard. Building upon the broad consensus achieved in 2005, we stand ready to work for a future in which full compliance with RtoP reflects also the reality on the ground. RtoP is a charter-based concept, which deserves to be operationalized and implemented. Our focus in this endeavour must be on saving lives through timely and decisive actions taken at a national, regional, and international level.

Thank you, Mr. President.